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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ARTHUR KAYE IRA FCC AS
CUSTODIAN DTD 6-8-00 and
HAYDEN LEASON, Individually and
On Behalf of All Others Similarly
Situated.

Plaintiffs.

V.

IMMUNOCELLULAR
THERAPEUTICS, LTD., DAVID
FRACTOR, MANISH SINGH, LAVOS,
LLC, LIDINGO HOLDINGS, LLC,
KAMILLA BJORLIN, ANDREW
HODGE, and BRIAN NICHOLS.

Defendants.

Case No. 2:17-cv-03250-FMO (SK)

CLASS ACTION

**LEAD PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
CERTIFICATION AND PLAN
OF ALLOCATION**

Date: August 22, 2019

Time: 10:00 a.m.

Room: 6D

Judge: Hon. Fernando M. Olguin

1 **TO THE CLERK OF THE COURT AND ALL PARTIES AND**
2 **THEIR ATTORNEYS OF RECORD HEREIN:**

3 **PLEASE TAKE NOTICE** that, pursuant to Court's Order Re: Motion for
4 Preliminary Approval of Class Action Settlement and Certification of Settlement
5 Class ("Preliminary Approval Order," Dkt. 136) on August 22, 2019 at 10:00 a.m.
6 before the Honorable Fernando M. Olguin, in Courtroom 6D of the United States
7 District Court, Central District of California, 350 W. 1st Street, Los Angeles,
8 California 90012, Lead Plaintiffs Arthur Kaye IRA FCC as Custodian DTD 6-8-00
9 and Hayden Leason ("Lead Plaintiffs")¹ will and hereby do move the Court for an
10 order, (1) granting final approval of the Settlement in the above-captioned action on
11 the terms set forth in the Stipulation, (2) certifying the Settlement Class, and (3)
12 approving the proposed Plan of Allocation for distribution of the Settlement Fund.
13 This motion is based on this Notice of Motion; the Memorandum of Point and
14 Authorities in Support Thereof; the Joint Declaration of Rosemary M. Rives, Esq.,
15 Joshua W. Ruthizer, Esq., and Lesley F. Portnoy, Esq. in Support of (I) Plaintiffs'
16 Motion for Final Approval of Settlement, Class Certification and Plan of Allocation;
17 and (II) Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of
18 Litigation Expenses; the exhibits thereto; all pleadings and papers filed herein;
19 arguments of counsel; and any other matters properly before the court.

20 Counsel is unaware of any opposition to this motion. Pursuant to the
21 Preliminary Approval Order, any objection to any aspect of the Settlement or the
22 Plan of Allocation must be filed on or before June 4, 2019. To date, no objections
23 have been filed.

24 A proposed Order granting the requested relief has been filed concurrently
25 herewith. An updated proposed Order will be submitted with Lead Plaintiffs' reply
26 papers after the deadline for requesting exclusion has passed, in order to incorporate
27 requests for exclusion from the Settlement Class, if any are received.

28

¹ Unless otherwise noted, all capitalized terms herein have the same meaning set forth in the Parties' Amended Stipulation of Settlement dated December 10, 2018 (the "Stipulation"). Docket Entry ("Dkt.") 132.

1
2 Dated: May 3, 2019

Respectfully submitted,

3 By: /s/ Rosemary M. Rivas
4 **LEVI & KORSINSKY, LLP**

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Class

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26 *Liaison Counsel for Plaintiffs*

PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case and am over eighteen years old. On May 3, 2019, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Central District of California, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 3, 2019, at San Francisco, California.

/s/Rosemary M. Rivas

Rosemary M. Rivas

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